

The Practice of International Commercial Arbitration:
Beginning, Middle and End
Part II: The Merits Hearing:
Getting the Message to the Tribunal

FACULTY BIOGRAPHIES



JOSÉ MARÍA ALONSO is coordinating the international arbitration practice area and heading the International relations of Garrigues. "Leading lawyer in Spain" in litigation and arbitration, and corporate restructuring/insolvency, according to all of the most prestigious international legal directories. He is officially listed as an arbitrator for the TAS/CAS and CIETAC and has acted as arbitrator for the LCIA, ICC and ICDR on numerous occasions. He is Chairman of the Arbitration Court of the Madrid Bar Association, Chairman of the Spanish Arbitration Club (2005-2009) and currently Honorary Chairman, Second Member of the Governing Board of the Madrid Bar Association, Vice President of the International Law Association (ILA), Honorary Professor, Universidad de San Ignacio de Loyola, Lima (Peru), General Secretary and Board Secretary of Asociación para el Progreso de la Dirección (APD), Member of the Executive board of the Círculo de Empresarios, Delegate of the Spanish Committee of the International Chamber of Commerce, Member of the Commission on Arbitration of the International Chamber of Commerce.



DAVID ARIAS is a professor of procedural law, as well as partner and head of the dispute resolution practice at Perez-Llorca. David specialises in international arbitration and commercial litigation. He regularly acts as arbitrator and counsel in arbitrations under the ICC, LCIA, and Uncitral rules. David is an Officer of the Arbitration Committee of the International Bar Association (IBA) and he is one of the members of the Subcommittee that drafted the *2010 IBA Rules on the Taking of Evidence In International Arbitration*. David is a member of the ICC Latin American Arbitration Group and a founder and the current Secretary General of the Club Español del Arbitraje. He is also the Secretary of the International Law Association (ILA) Spanish Branch. David regularly publishes in the field of arbitration and litigation and is the Director of *Spain Arbitration Review*.



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PIERRE BIENVENU, AD. E. is a senior partner of Norton Rose Canada, the Global Practice Leader of Norton Rose Group's international arbitration practice and a member of Norton Rose Group's supervisory board. He practises in international commercial arbitration, corporate and commercial litigation, and constitutional law. He acted as counsel in numerous international arbitrations involving disputes in telecommunications, aeronautics, joint ventures, M&A and foreign investment. He also represents parties in court proceedings to enforce or set

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DAVID BRYNMOR THOMAS is a Barrister, specialising in the conduct of complex commercial disputes, in particular International Commercial Arbitrations and English High Court proceedings. He has conducted disputes across a wide range of industry sectors, including major infrastructure projects and energy related disputes. Having originally qualified in Medicine before studying Law, David is particularly comfortable dealing with cases and conducting cross-examination with a highly scientific or technical basis. As well as his principal work as Counsel, David sits as an arbitrator in

institutional and ad hoc arbitrations, including arbitrations under the Rules of the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA) and the UNCITRAL Arbitration Rules. David is a member, nominated by the United Kingdom Committee, of the International Chamber of Commerce's Commission on Arbitration. He is a Trustee of the Chartered Institute of Arbitrators, which he represented at the UNCITRAL Working Group on International Commercial Arbitration, participating in the Working Group's deliberations on amendments to the UNCITRAL Model Law and the UNCITRAL Arbitration Rules.



MARTI CHERRY joined Fulbright & Jaworski L.L.P.'s international arbitration and litigation sections in Houston as an associate in 2008 after serving as judicial law clerk to the Honorable U.S. District Judge David Hittner for two years. Marti's international arbitration practice encompasses a wide-variety of disputes for national and international clients. In addition, she has authored a number of articles and case notes in international arbitration publications and Fulbright's International Arbitration Report. An accomplished speaker, Marti presented Final Award and Court Challenges to the Houston Maritime Arbitrators Association. She recently relocated her practice to Fulbright's Dallas office.



WADE M. CORIELL is a partner in the Houston office of King & Spalding. Wade's practice focuses on representing foreign investors in disputes with host governments and private parties in international commercial disputes, particularly in the energy sector. He has represented clients before ICSID, the ICC, the AAA, the Permanent Court of Arbitration in The Hague (PCA), and other international and domestic arbitral institutions. In the 2010 edition of *The Global Arbitration Review 100*, he was named a "lawyer to know." Since 2005, *Texas Super Lawyers* and *Texas Monthly* have annually named him a "Rising Star" in international law. He frequently speaks and publishes on international law and arbitration issues, and among other memberships, he currently serves on the IBA's North American Forum and the Advisory Board of the Institute for Transnational Arbitration.



ALAN R. CRAIN is Senior Vice President & General Counsel of Baker Hughes Incorporated, a global technology and services company with operations in over 90 countries. He has been General Counsel of two other large multinationals. He has more than 25 year's experience as an arbitrator in a broad range of cases involving international commercial matters. He has served on more than 50 tribunals for the A.A.A., I.C.D.R., NYSE, NASD, I.C.C. and for arbitration under the UNCITRAL Rules, usually as chairman. He is a member of the Board of Directors of the American Arbitration Association (AAA). He was an adjunct Professor of International Law at the University of Houston for 10 years. He is an expert in corporate governance and has been a director of a multibillion dollar NYSE corporation, and has advised other boards of directors for over 20 years. He has been Chairman of the Houston World Affairs Council and the Houston Committee on Foreign Relations as well as serving on the Executive Board of the Philadelphia Committee on Foreign Relations. He has received many honors and awards, including the *Best General Counsel Award* from the Houston Business Journal and the *Lifetime Achievement Award* from the Texas General Counsel Forum. In addition to his J.D., Mr. Crain has earned an M.B.A. and M.S. and B.S. degrees in Engineering.



JOHN FELLAS is partner in the New York office of Hughes Hubbard & Reed LLP, practicing in the fields of international litigation and arbitration. He has practiced in both the U.S. and England, and as well as being a member of the New York Bar, he is also a Solicitor of the Supreme Court of England and Wales. He has served as counsel, and as chair, sole arbitrator and co-arbitrator, in arbitrations under the AAA, ICC and ad hoc rules. He also serves on the Mediation Panel of the District Court for the Southern District of New York. He has been recognized by, among

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JOHN L. GARDINER is co-head of Skadden's International Litigation and Arbitration Group. He concentrates his practice in the resolution of complex, high exposure, multijurisdictional disputes before federal and state courts, as well as leading arbitral institutions. He is among *The Best Lawyers in America 2012* and he is listed in the *International Who's Who of Commercial Arbitrators 2011*. He also is one of the world's best international arbitration lawyers and was named both by *Chambers Global: The World's Leading Lawyers for Business 2006-2007* and *Chambers USA:*

America's Leading Lawyers for Business 2005-2011. Mr. Gardiner's extensive litigation and arbitration experience covers a wide range of breach disputes in the aluminum, energy, insurance/reinsurance, telecommunications, construction and finance sectors. He also has acted as arbitrator in complex international corporate disputes and as mediator in intricate corporate and partnership separation situations. He has participated as counsel in many successful mediations and expert proceedings both internationally and domestically.



JUDITH GILL, Q.C. specializes in international arbitration, both institutional and ad hoc, under ICSID, LCIA, ICC and AAA Rules. She also sits as an arbitrator. Judith is qualified as a Solicitor Advocate and frequently appears as an advocate in arbitration proceedings. Judith is only the second woman solicitor-advocate to be appointed QC and the first with an international arbitration practice. Judith's practice covers a broad range of subjects including insurance, joint ventures, distributorships, healthcare, banking and investment treaty arbitration. She is a

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TERESA GIOVANNINI has acted as counsel and arbitrator in more than 140 international arbitrations, either *ad hoc* or administered by various institutions (AAA/ICDR, CCIG, ICC, ICHEIC, ICSID, LCIA, SCC, Chamber of Commerce of Milan, Chamber of Commerce of Venice and Chamber of Commerce of Ticino). Teresa Giovannini is a member of several panels of arbitrators, including the ICC Swiss National Committee, the ICDR, the Beijing Arbitration Commission (BAC), the CIETAC, the CRCICA, the DIAC, the ICHEIC and the LCIA. Since 2012 she has been

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MICHAEL S. GOLDBERG is a senior partner at Baker Botts, with extensive experience in complex commercial and international arbitration matters. He is co-chair of the firm's international dispute resolution section (international arbitration and litigation). Mr. Goldberg has served as lead counsel in litigation matters as diverse as antitrust, banking, bankruptcy, commercial, construction, corporate acquisitions, energy, intellectual property, partnership, products liability, and real estate. He has served as lead counsel in arbitrations under the AAA, ICC, LCIA, PCA, SCC and

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DENNIS GRINDINGER is responsible for several areas: managing all Hunt Oil Company financial issues, including interacting with sources of Hunt Oil Company's capital arising in connection with acquisitions, divestitures, operations, and construction of facilities (both domestic and international); developing and implementing a strategic plan and budget for Hunt Oil Company; working with the General Counsel in the oversight and management of all legal issues affecting Hunt Oil Company; and overseeing all accounting functions of Hunt Oil Company, including the preparation

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MARK KANTOR - Until he retired from Milbank, Tweed, Hadley & McCloy LLP at the end of 1999, Mark Kantor was a partner in the Corporate and Project Finance Groups of the Firm. He currently serves as an arbitrator and mediator, and teaches courses in International Business Transactions and in International Arbitration as an Adjunct Professor at the Georgetown University Law Center. He is also a Senior Research Fellow at the Vale Columbia Program on Sustainable International Investment (a joint enterprise of Columbia Law School and the Earth Institute at Columbia University). In addition, he is Editor in Chief of *Transnational Dispute Management*, the global dispute resolution journal. He is listed in *inter alia* Who's Who Commercial Arbitration, Chambers USA (International Arbitration), and Best Lawyers in America (International Arbitration). Among other publications, he is the author of *Valuation for Arbitration: Compensation Standards, Valuation Methods and Expert Evidence* (Kluwer 2008).



RONNIE KING is a partner in Ashurst LLP's London office and heads his firm's International Arbitration Group. His practice is focused on the energy sector, on which he has concentrated for over 20 years. Over that period, he has acted on many of the major energy sector disputes in London. His clients include oil majors, national oil companies and leading independents. Ronnie is a fellow of the Chartered Institute of Arbitrators and a member of the ICC Commission on Arbitration. He acts as both an advisor and advocate in international arbitrations and accepts appointments to sit as an arbitrator.



TOBY LANDAU QC is a barrister at Essex Court Chambers in London, and a member of the New York Bar, specialising in international arbitration. As arbitrator, he has served in over 70 major international cases, including many investment treaty cases (BITs and NAFTA) and international commercial cases (ICC, LCIA, SCC, HKIAC, SIAC, AAA, UNCITRAL amongst many others) in numerous countries worldwide. As counsel, he has appeared in over 270 major international arbitrations, as well as many of the landmark arbitration cases before the English Courts (including the UK Supreme Court) and foreign courts. He is a Director of the LCIA; a member of the Board of the SCC; a Fellow (and previously Trustee) of the Chartered Institute of Arbitrators and Chartered Arbitrator; a UK delegate to the UNCITRAL Working Group on Arbitration (since 2000); a member of the IBA sub-committee responsible for drafting the IBA Rules on Evidence 2010; and one of the draftsmen of the English Arbitration Act 1996; the Pakistan Arbitration Ordinance of 2005; the Mauritius Arbitration Act of 2008; and the LCIA India Rules. He is a Visiting Professor at Kings College London (arbitration law), and a visiting lecturer at the Pakistan College of Law in Lahore. He was the most junior of his year to be made a QC (in 2008). He received the Chambers & Partners Award for Silk (QC) of the year in international arbitration in 2011. Before becoming a QC, he received the Chambers & Partners Award for "Junior Barrister of the Year" in international arbitration in both 2005 and 2007 (short-listed also in 2006), and was voted "first" amongst the world's "45 under 45" in this field.



MIKE LENNON is a trial partner at Baker Botts with extensive experience in the arbitration and litigation of cross-boundary and national disputes. His practice focuses primarily on energy and natural resources, intellectual property and other commercial arbitration and litigation. He acts on behalf of clients before the leading international arbitral institutions, including ICSID, ICC, DIAC and LCIA, as well as national courts. He regularly performs his own advocacy and has argued numerous cases to arbitral tribunals, courts, and juries. He also has participated in enforcement, annulment and appellate proceedings arising from his matters. Mr. Lennon's energy and natural resources experience covers a wide range of arbitration and litigation traditional energy matters and other commercial disputes in the energy and natural resource sectors. In the intellectual property sphere, Mr. Lennon's experience includes patent, trademark and copyright infringement, trade secret misappropriation and false advertising disputes. Mr. Lennon also has successful experiences representing companies and individuals in international jurisdictional disputes and international political asylum matters. He currently serves on the advisory board of the Institute for Transnational Arbitration and the advisory board of the Institute for Energy Law of The Center for American and International Law.



ERIC C. LIEBLER is the Vice President and Associate General Counsel (Litigation) for Siemens Corporation. He manages all United States-related litigation for Siemens, and was previously the Chief Litigation Counsel for Honeywell's Automation and Control Solutions division. While in private practice before that, he was a partner at Kirkland & Ellis LLP. He is an occasional competitor at the World Series of Poker.



JAMES L. LOFTIS chairs V&E's International Dispute Resolution practice, and focuses his practice on international commercial arbitration and investor-state disputes, particularly disputes involving state contracts and investment agreements. He is a member of the ICC Commission on Arbitration, is listed in *Global Arbitration Review*, is the ABA's delegate to the LCIA Court of Arbitration in London, is listed in Legal Media Group's (Euromoney's) *Expert Guide to Commercial Arbitration*, and is ranked in international arbitration in both *Chambers Global* and *Chambers USA*. He is listed in *The Best Lawyers in America*® for international arbitration. From 1997 to 2000, James served in Geneva, Switzerland, as chief counsel for the Oil Sector and Construction and Engineering Panels of the United Nations Compensation Commission (the Iraq/Gulf War claims tribunal). James is also an adjunct professor of law at the University of Texas School of Law, where he teaches international investment law and international arbitration. In addition, James is Chair of the Advisory Board for the Center for Global Energy, International Arbitration and Environmental Law at the University of Texas School of Law.



CAROLE MALINVAUD is a partner in the Paris office of Gide Loyrette Nouel where she practices international arbitration since 1990 either as counsel or as arbitrator. She is currently defending investors in infrastructure projects in the Middle East and in North Africa as well as acting as arbitrator in a major infrastructure project in Northern Asia. Carole is the Chair of the Arbitration Commission of ICC France, a board member of the French Committee on Arbitration (CFA) and an Officer of the IBA Arbitration Committee. She is a member of the Paris and the New York Bars, and holds a postgraduate degree from the University of Paris II and Harvard Law School.



WENDY J. MILES is a partner at Wilmer Cutler Pickering Hale and Dorr in London and specializes in international arbitration. She has acted as advisor and advocate for international companies and states or state parties in arbitration proceedings conducted in a number of jurisdictions and under various rules including ICC, LCIA, HKIAC, PCA and UNCITRAL. Wendy regularly deals with both private and public international law issues. She recently has been involved in several energy-related arbitrations under both ICC and LCIA rules arising from disputes relating to off-shore oil rights and an ad hoc arbitration proceeding in a dispute arising out of a major construction project on the South Asian sub-continent. In 2009, Wendy was lead co-counsel for southern Sudan in the Abyei Arbitration boundary dispute in the oil-rich Sudan (with the entire proceedings subject to live media coverage via the internet). Wendy continues to represent clients in proceedings in the energy, telecommunications, media, insurance, construction, financial services and pharmaceutical sectors, as well as sitting as arbitrator.



ALEXIS MOURRE is a founding partner of Castaldi Mourre & Partners, a 30-lawyer firm with offices in Paris and Milan, and heads the firm's international arbitration and litigation department. He is Vice-President of the ICC International Court of Arbitration, Vice-President of the ICC Institute of World Business Law, Co-Chair of the IBA Arbitration Committee and Member of the Arbitral Council of the Milan Chamber of Commerce. He is member of numerous associations, including ASA, LCIA, the ILA Arbitration Commission and the Milan Club of arbitrators. He has acted in more than 150 both *ad hoc* and institutional arbitrations (both in commercial and investment cases) as counsel, expert witness, co-arbitrator, chairman or sole arbitrator. He is author, co-author or editor of several books and founder of the *Cahiers de l'arbitrage/The Paris Journal of International Arbitration*, a leading French publication on arbitration and ADR. He lectures on arbitration in several universities and has published more than 90 articles on arbitration and private international law.



SYLVIA NOURY is a partner in the London office of Freshfields Bruckhaus Deringer LLP, having practiced previously in the Paris and New York offices. Sylvia represents states and corporations in a variety of commercial and investment treaty arbitrations, including under the auspices of ICSID, UNCITRAL, ICC, AAA and LCIA, both in English and Spanish, specialising in energy and natural resources and telecommunications disputes. Sylvia has recently acted for

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EUN YOUNG PARK is co-head of Kim & Chang's international arbitration and litigation group. He has extensive experience as counsel in international arbitrations under the various arbitration rules including ICC, LCIA, AAA, SIAC, HKIAC, SCC, UNCITRAL, and the KCAB. He also serves as an arbitrator with the SIAC, DIAC, ACICA, and KCAB. He is a court member of the LCIA, member of Panel of Conciliators in the ICSID of the World Bank, and Vice President of Korean Arbitrators Association.

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LUCY REED, who currently serves as Chair of the ITA, co-heads the Freshfields global international arbitration group. She represents private and public clients and occasionally sits as arbitrator in international arbitrations under the major rules. Lucy is a member of the LCIA Court and the ICC Commission on Arbitration, and was recently designated by ICSID to the ICSID Panel of Arbitrators. She has served as an arbitrator on the Eritrea-Ethiopia Claims Commission, co-director of the Claims Resolution Tribunal for Dormant Accounts

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EDUARDO SILVA ROMERO specialises in litigation and arbitration matters, particularly international disputes involving state entities, as well as Spanish and Latin American parties. An acknowledged expert in international arbitration, Mr. Silva Romero has supervised numerous proceedings before arbitration panels worldwide. Former Deputy Counsel, Counsel, and Deputy Secretary General of the ICC International Court of Arbitration, Mr. Silva advised or acted as arbitrator on arbitration matters conducted under the auspices of the ICC, ICSID, AAA, LCIA,

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JENNIFER SMITH is a partner with Baker Botts and currently serves as Deputy Chairman of the Litigation Department. Ms. Smith has practiced law in the United States and England, and she is licensed in both jurisdictions. Her practice focuses primarily on international arbitration and dispute resolution. She served as law clerk to Judge Lynn N. Hughes in the Southern District of Texas after receiving her J.D. with honors from the University of Texas and B.A. magna cum laude from Wellesley College. Ms. Smith also serves on the Advisory Boards of the Institute for Energy Law, the World Affairs Council of Houston, the University of Texas Center for Global Energy, International Arbitration and Environmental Law, and the Blaffer Gallery.



GUIDO SANTIAGO TAWIL is a Chair Professor of Administrative Law at the Universidad de Buenos Aires (UBA) and a Partner at M. & M. Bomchil (Buenos Aires) since 1993 where he heads the international arbitration and regulatory practices. He also serves as Chair of the Latin American Arbitration Association (Alarb); Council Member of ICCA; Court Member of the LCIA; Member of the Academic Council of ITA; Member of the ICC's Latin American Arbitration Group; Member of FIAA's Executive Committee, etc. He is past co-chair of the IBA's Arbitration Committee and of its Latin American Forum. He has published 7 books and over 130 articles related to his areas of practice. He actively appears as arbitrator, counsel or legal expert both in ad hoc and institutional arbitrations. He received his law degree (1983), LL. M. (1986), and Ph. D.(1991) from the UBA. He has been awarded with the Buenos Aires School of Law Award for the best doctoral dissertation and with the "Alejandro E. Shaw Award" by the Buenos Aires Bar.



THOMAS W. WALSH, who currently serves as Chair of the ITA's Young Arbitrators' Initiative, is an associate in the New York office of Sullivan & Cromwell LLP. He focuses his practice on complex multijurisdictional litigation in U.S. federal and state courts, and international commercial and investor-state arbitration. Tom is a Deputy General Editor of *Arbitration International* and a member of the Arbitration Committee of the New York City Bar Association. Following his graduation from the University of California, Berkeley School of Law, he served as a law clerk to Judge Juan R. Torruella of the United States Court of Appeals for the First Circuit. Tom was a Fulbright Scholar in Ecuador from 2000 to 2001. He is a frequent author on international arbitration topics.